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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,383	01/29/2001	Tadao Yamaguchi	401042	7114

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EXAMINER

MULLINS, BURTON S

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,383

Applicant(s)

YAMAGUCHI, TADAO

Examiner

Burton S. Mullins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on April 26 May 2002. *Ben*
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7-13 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-6, 14-16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 January 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's amendment and election without traverse of claims 1 and 3-19 in Paper No. 9 is acknowledged. This response was filed April 26, 2002. Due to a typographical error, the response has only now been matched with the file and entered.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The corrections to Figs.1 and 7 were received on January 29, 2001. These corrections are approved.

***Claim Objections***

4. Claim 13 is objected to because of the following informalities: On line 2, change "include" to ---includes---. Replace "and" with a comma.

5. Claim 14 is objected to because of the following informalities: On line 4, insert a comma after "shaft support". Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 7-13 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. In claim 7, recitation "electrically insulating the feeder terminals from the metal portion of the housing" is a dangling participial phrase which lacks a subject.

9. In claim 9, lines 8 and 16, the subject of the phrase "facing the magnet and spaced from the magnet by a gap" is also not clear. Presumably, it is the armature coil which faces the magnet. Also, the recitation on lines 15-16, "an armature coil having one end connected to the commutator and rotatably arranged at the resin coated, fixed shaft, facing a magnet across a gap" is redundant.

10. In claim 11, recitation "the magnetic yoke plate is separated from the case except for a combined portion" is vague and indefinite. What is the "combined portion" a combination of? The yoke plate and the case? Does this refer to a connection between the yoke plate and case?

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*Claim Rejections - 35 USC § 102*

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in--

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

12. Claims 1 and 17 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Satoh et al. (US 6,274,955). Satoh teaches a non-circular, flat, vibration motor comprising: rotor 43 (Fig.3); a housing (cover 44; Figs. 2B&3) which is non-circular in a plane perpendicular to the axial direction, which rotatably supports the rotor, and which has side surfaces 22 (Figs. 2B&3), at least a part of which are flat and including a stator base (bottom portion 23); an armature coil 46 at the stator base (Fig.3); a magnet 56 on the rotor 43 facing the armature coil 46 and spaced from the armature coil by a gap (Fig.3); and a plurality of feeder terminals (back surface terminals 28) arranged at the side surface 22 at corners of the housing (see Figs.2B-2C&3) and electrically insulated from adjacent portions of the motor (the base portion 23 comprises a printed circuit board that insulates the feeder terminals from the cover 44 and other adjacent portions of the motor, c.6, lines 61-62; also, the stator 40 is covered with an insulating film, c.6, line 60).

Regarding claim 17, weight 57 provides mass eccentricity to the rotor.

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***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. Satoh's feeder terminals 28 do not protrude outwardly from the housing beyond sides of the housing (Figs. 2B&3); however, Satoh's housing is substantially octagonal, not rectangular. However, this would have been an obvious design choice since it has been held that changes in shape involve ordinary skill. In re Dailey, 149 USPQ 47 (CCPA 1976).

***Allowable Subject Matter***

15. Claims 4-6, 14-16 and 19 would be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claim 4, Satoh does not further teach a flat magnet; a bracket as part of the housing and on which the magnet is disposed; and a pair of brushes, at least one of the brushes being connected to the feeder terminals through a first gap between the bracket and the magnet as insulation, wherein the rotor receives electric power via the brushes and faces the flat magnet across a second gap in the axial direction. Regarding claim 14, in Satoh, the shaft 53 is fixedly attached to the rotor yoke 55 and thus

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rotates therewith. Neither does Satoh teach a metal plate incorporating a shaft support at a center.

16. Claims 7-13 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Regarding claim 7, Satoh does not teach a housing having both metal and resin portions, with at least two feeder terminals arranged at a corner of the housing on a side surface of the housing such that the feeder terminals are electrically insulated from the metal portion of the housing.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 305-7063. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 305-1341 for regular communications and 305-1341 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.

  
Burton S. Mullins  
Primary Examiner  
Art Unit 2834

bsm  
November 12, 2002